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22SL-CC04401 - KAREN WEST V QUICKTRIP CORPORATION (E-CASE)

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10/20/2022 ☐ **Motion Special Process Server**

Request for Appointment of Process Server.

**Filed By:** JOHN LAWSON BUDD WILBERS

**On Behalf Of:** KAREN WEST

☐ **Alias Summons Requested**

Service Memo.

**Filed By:** JOHN LAWSON BUDD WILBERS

10/12/2022 ☐ **Judge/Clerk - Note**

NO SUMMONS ISSUED DUE TO THE SPECIAL PROCESS SERVER FORM MISSING THE SECOND PAGE WHICH INCLUDES LOCAL RULE 28. AS OF AUGUST 26, 2019, THE PAGE INCLUDING LOCAL RULE 28 IS REQUIRED AT THE TIME OF E-FILEING. E-FILE A CORRECTED SPECIAL PROCESS SERVER FORM INCLUDING THE 2ND PAGE, WHICH IS LOCATED ON THE SAINT LOUIS COUNTY COURTS WEBSITE. ONCE THE CORRECT SPS FORM IS E-FILED, CONTACT THE CLERK AT 314-615-8470 THE SUMMONS CAN BE ISSUED.

10/11/2022 ☐ **Filing Info Sheet eFiling**
**Filed By:** JOHN LAWSON BUDD WILBERS

☐ **Request Filed**

Request for Appointment of Process Server.

**Filed By:** JOHN LAWSON BUDD WILBERS

**On Behalf Of:** KAREN WEST

☐ **Request Filed**

Service Memo.

**Filed By:** JOHN LAWSON BUDD WILBERS

☐ **Pet Filed in Circuit Ct**

Petition.

**Filed By:** JOHN LAWSON BUDD WILBERS

☐ **Judge Assigned**

DIV 13

**IN THE CIRCUIT COURT OF ST. LOUIS COUNTY  
STATE OF MISSOURI**

**KAREN WEST,**

Plaintiff,

vs.

**QUIKTRIP CORPORATION,**

d/b/a QuikTrip Store #664

Serve Registered Agent at:

Marshall J. Wells

4705 South 129<sup>th</sup> East Avenue

Tulsa, Oklahoma 74134

Defendant.

Case No.22SL-CC04401

**PLAINTIFF REQUESTS  
TRIAL BY JURY**

**SERVICE MEMO**

**COMES NOW** Plaintiff, by and through counsel, and requests a summons be issued for Defendant Quicktrip Corporation d/b/a QuickTrip Store #664 to serve it's registered agent, Marshall J Wells, at 4705 South 129<sup>th</sup> East Avenue, Tulsa, Oklahoma 74134, to be served by the persons appointed in Plaintiff's Request for Special Process Server.

Respectfully submitted,

/s/ John L. Wilbers

John L. Wilbers, #51848 MO  
**The Wilbers Law Firm, LLC**  
130 S. Bemiston, Suite 406  
Saint Louis, MO 63105  
Ph. (314) 721-3040  
Fx. (314) 721-3052  
filings@thewilberslawfirm.com  
***Attorney for Plaintiff***

**IN THE CIRCUIT COURT OF ST. LOUIS COUNTY  
STATE OF MISSOURI**

**KAREN WEST,**

Plaintiff,

vs.

**QUIKTRIP CORPORATION,**

d/b/a QuikTrip Store #664

Serve Registered Agent at:

Marshall J. Wells

4705 South 129<sup>th</sup> East Avenue

Tulsa, Oklahoma 74134

Defendant.

Case No. \_\_\_\_\_

**PLAINTIFF REQUESTS**

**TRIAL BY JURY**

**PETITION**

**COMES NOW** Plaintiff Karen West, by and through counsel, and for her cause of action against Defendant QuikTrip Corporation d/b/a Quicktrip Store #664, alleges and states as follows:

**STATEMENT OF JURISDICTION**

1. This claim is brought pursuant to this Court's original jurisdiction over all cases and matters, such jurisdiction granted by RSMo. § 478.070.
2. The amount of controversy exceeds the jurisdictional minimum of this court.
3. Venue is proper under RSMo. § 508.010 in that Plaintiff's cause of action accrued in St. Louis County, State of Missouri.

**PARTIES TO THE CLAIM**

4. Plaintiff, at all times material hereto, is and has been a resident of Saint Charles County, Missouri.
5. Upon information and belief, at all the times material hereto, Defendant QuikTrip Corporation (d/b/a QuikTrip Store #664) (hereinafter, "Defendant" or "Defendant QuikTrip") is a foreign corporation in good standing, and the name and address of its registered agent is Marshall

J. Wells, 4705 South 129<sup>th</sup> East Avenue, Tulsa, Oklahoma 74134.

**ALLEGATIONS COMMON TO ALL COUNTS**

6. All times relevant herein, in St. Louis County, Missouri, Defendant QuikTrip owned and operated and/or was in possession, custody, and/or control of real property located at 11444 Saint Charles Rock Road, Bridgeton, Missouri 63044 (hereinafter, “the premises”), where Defendant QuikTrip operated a convenience store, food mart, and gas station.

7. All times relevant herein, the front of Defendant’s convenience store was bordered by a raised sidewalk; the entrance/exit for Defendant’s customers was connected to a curb ramp leading directly to a marked access aisle which was painted on Defendant’s adjacent parking lot.

8. On or about February 20, 2018, in St. Louis County, Missouri, Plaintiff patronized Defendant QuikTrip’s convenience store as a customer and invitee of Defendant.

9. At the time of Plaintiff’s entry onto Defendant’s premises, weather conditions in the immediate area included scattered periods of light rain.

10. Upon exiting the store, Plaintiff stepped onto the painted portion of the access aisle, where she immediately slipped and fell onto the ground.

11. Upon information and belief, the paint used by or on behalf of Defendant to mark the access aisle was of a kind or quality which caused it to become unreasonably slick when exposed to damp and/or wet conditions and promoted the accumulation of water on the paint surface.

12. As a result of the paint used to mark the access aisle on Defendant’s premises, the property of Defendant was not reasonably safe for invitees.

13. The presence of the access aisle markings on Defendant’s parking lot additionally created an expectation that said aisle was safe for passage by Defendant’s invitees.

14. Defendant knew, or by using ordinary care could have known, of the unsafe condition of the property and had ample opportunity to make the area safe for invitees.

**COUNT I**

**COMES NOW** Plaintiff and, for Count I of her cause of action against Defendant, alleges and states as follows:

15. Plaintiff adopts and incorporates paragraphs 1-14 of this Petition as if fully set forth herein by this reference.

16. As demonstrated by the conditions above, Defendant was negligent in the following particulars:

- a. In creating a condition on its premises which was dangerous to Defendant's invitees, including Plaintiff;
- b. In marking its access aisle with a form of paint which became dangerously slick in damp and/or wet conditions;
- c. In failing to prevent the accumulation of water on the slippery surface created on Defendant's parking lot access aisle;
- d. In failing to use slip-resistant paint when creating a handicap-accessible aisle at the point of ingress/egress to Defendant's premises, leading invitees to believe that the marked area was safe during wet and/or damp conditions;
- e. In failing to use ordinary care to remove, cover, or replace the dangerous markings placed by, or on behalf of, Defendant on its parking lot to create the access aisle;
- f. In failing to use ordinary care to barricade the dangerous condition on Defendant's access aisle;

g. In failing to use ordinary care to warn of the dangerous condition on Defendant's access aisle; and

h. In failing to provide a reasonably safe means to ambulate the premises.

17. Defendant's negligence directly caused or contributed to cause Plaintiff to sustain injuries to her back and left knee. She suffered pain to said body parts, general anxiety of mind, and experienced emotional upset as an incident of her physical injuries. She has suffered all of the above injuries, pain, and damages since the date of the accident, suffers them at the present time, and will suffer them in the future, said injuries, pain, and damages being permanent, disabling, and progressive.

18. By reason of Plaintiff's injuries, she paid or became obligated for, and in the future will pay or become obligated for, items of expense in obtaining and receiving medical care and treatment.

19. Plaintiff is entitled to fair and reasonable damages in excess of twenty-five thousand dollars (\$25,000.00) for the injuries sustained by her as a direct and/or contributory result of Defendant's negligence.

20. Plaintiff should be awarded her court and litigation costs incurred herein and, therefore, requests an award of said costs to be paid by Defendant.

**WHEREFORE**, Plaintiff prays that she be awarded fair and reasonable damages in excess of twenty-five thousand dollars (\$25,000.00) against Defendant, together with her costs herein incurred and expended, and for such further and additional relief as this Court may deem just and proper under the circumstances.

Respectfully submitted,

/s/ John L. Wilbers

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John L. Wilbers, #51848 MO  
**The Wilbers Law Firm, LLC**  
130 S. Bemiston, Suite 406  
St. Louis, MO 63105  
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Fx. (314) 721-3052  
filings@thewilberslawfirm.com  
*Attorney for Plaintiff*

In the  
**CIRCUIT COURT**  
**Of St. Louis County, Missouri**



For File Stamp Only

KAREN WEST  
 Plaintiff/Petitioner

October 20, 2022  
 Date

22SL-CC04401  
 Case Number

vs.

QUICKTRIP CORPORATION  
 Defendant/Respondent

\_\_\_\_\_  
 Division

**REQUEST FOR APPOINTMENT OF PROCESS SERVER**

Comes now KAREN WEST, pursuant

Requesting Party

to Local Rule 28, and at his/her/its own risk requests the appointment of the Circuit Clerk of

Tulsa County Sheriff Office, 303 West 1st Street, Tulsa, Oklahoma 918-596-5601  
 Name of Process Server Address Telephone

\_\_\_\_\_  
 Name of Process Server Address or in the Alternative Telephone

\_\_\_\_\_  
 Name of Process Server Address or in the Alternative Telephone

Natural person(s) of lawful age to serve the summons and petition in this cause on the below named parties. This appointment as special process server does not include the authorization to carry a concealed weapon in the performance thereof.

SERVE:

MARSHALL J. WELLS  
 Name  
4705 S 129TH E AVE  
 Address  
TULSA, OK 74134  
 City/State/Zip

SERVE:

\_\_\_\_\_  
 Name  
 \_\_\_\_\_  
 Address  
 \_\_\_\_\_  
 City/State/Zip

SERVE:

\_\_\_\_\_  
 Name  
 \_\_\_\_\_  
 Address  
 \_\_\_\_\_  
 City/State/Zip

SERVE:

\_\_\_\_\_  
 Name  
 \_\_\_\_\_  
 Address  
 \_\_\_\_\_  
 City/State/Zip

Appointed as requested:

**JOAN M. GILMER**, Circuit Clerk

By \_\_\_\_\_  
 Deputy Clerk

\_\_\_\_\_  
 Date

/s/ John L Wilbers  
 Signature of Attorney/Plaintiff/Petitioner  
51848  
 Bar No.  
130 S Bemiston Ste 406, St Louis, MO 63105  
 Address  
(314) 721-3040 (314) 721-3052  
 Phone No. Fax No.



## Local Rule 28. SPECIAL PROCESS SERVERS

(1) Any Judge may appoint a Special Process Server in writing in accordance with the law and at the risk and expense of the requesting party except no special process server shall be appointed to serve a garnishment [except as allowed by Missouri Supreme Court Rule 90.03(a)].

This appointment as Special Process Server does not include the authorization to carry a concealed weapon in the performance thereof.

(2) The Circuit Clerk may appoint a natural person other than the Sheriff to serve process in any cause in accordance with this subsection;

(A) Appointments may list more than one server as alternates.

(B) The appointment of a person other than the Sheriff to serve process shall be made at the risk and expense of the requesting party.

(C) Any person of lawful age, other than the Sheriff, appointed to serve process shall be a natural person and not a corporation or other business association.

(D) No person, other than the Sheriff, shall be appointed to serve any order, writ or other process which requires any levy, seizure, sequestration, garnishment, [except as allowed by Missouri Supreme Court Rule 90.03(a)], or other taking.

(E) Requests for appointment of a person other than the Sheriff to serve process shall be made on a "Request for Appointment of Process Server" electronic form, which may be found on the Court's Web Site, <http://www.stlouisco.com>. (LawandPublicSafety/Circuit/Forms).

(F) This appointment as Special Process Server does not include the authorization to carry a concealed weapon in the performance thereof.

## SERVICE RETURN

Any service by the St. Louis County Sheriff's Office shall be scanned into the courts case management system. Any service by another Sheriff or a Special Process Server or any other person authorized to serve process shall return to the attorney or party who sought service and the attorney shall file the return electronically to the Circuit Clerk.

In the  
**CIRCUIT COURT**  
**Of St. Louis County, Missouri**



For File Stamp Only

KAREN WEST  
 Plaintiff/Petitioner

October 11, 2022  
 Date

vs.

QUICKTRIP CORPORATION  
 Defendant/Respondent

Case Number

Division

## REQUEST FOR APPOINTMENT OF PROCESS SERVER

Comes now KAREN WEST, pursuant

Requesting Party

to Local Rule 28, and at his/her/its own risk requests the appointment of the Circuit Clerk of

Tulsa County Sheriff Office, 303 West 1st Street, Tulsa, Oklahoma 918-596-5601  
 Name of Process Server Address Telephone

Name of Process Server Address or in the Alternative Telephone

Name of Process Server Address or in the Alternative Telephone

Natural person(s) of lawful age to serve the summons and petition in this cause on the below named parties. This appointment as special process server does not include the authorization to carry a concealed weapon in the performance thereof.

## SERVE:

MARSHALL J. WELLS  
 Name  
4705 S 129TH E AVE  
 Address  
TULSA, OK 74134  
 City/State/Zip

## SERVE:

Name  
 Address  
 City/State/Zip

## SERVE:

Name  
 Address  
 City/State/Zip

## SERVE:

Name  
 Address  
 City/State/Zip

Appointed as requested:

**JOAN M. GILMER**, Circuit Clerk

By \_\_\_\_\_  
 Deputy Clerk

Date

/s/ John L Wilbers  
 Signature of Attorney/Plaintiff/Petitioner  
51848  
 Bar No.  
130 S Bemiston Ste 406, St Louis, MO 63105  
 Address  
(314) 721-3040 (314) 721-3052  
 Phone No. Fax No.

**IN THE CIRCUIT COURT OF ST. LOUIS COUNTY  
STATE OF MISSOURI**

**KAREN WEST,**

Plaintiff,

vs.

**QUIKTRIP CORPORATION,**

d/b/a QuikTrip Store #664

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Tulsa, Oklahoma 74134

Defendant.

Case No. \_\_\_\_\_

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Respectfully submitted,

/s/ John L. Wilbers

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***Attorney for Plaintiff***